

IV. Remarks

Reconsideration of this application is respectfully requested in light of the above amendments and the following remarks. Applicants thank the Examiner for re-issuing the present Office Action in corrected form. Applicants also acknowledge the application of a new reference – Egilsson et al., U.S. Patent No. 6,434,557 – against the pending claims. Applicant has made minor edits to correct grammatical errors. These edits are not made for purposes of patentability, and accordingly the edits shall not be taken in any way as a surrender of subject matter under the doctrine of equivalents. The claims have not been narrowed by these amendments, and no narrowing is intended by the amendments.

A. *Brief Listing of Issues*

1. Drawings: The drawings in the present case were alleged to be misleadingly labeled with reference character 125b in Figures 1 and 3a;
2. Title: The title was alleged to be nondescriptive;
3. 35 U.S.C. § 101: Claims 1-5 were alleged to be directed to non-statutory subject matter, in that they are directed to a "data structure";
4. Incorporation-by-Reference: The incorporation-by-reference was objected to because of its reference to a pending patent application without referring to that application's serial number; and
5. 35 U.S.C. § 102(e): Claims 1-10 were rejected as allegedly anticipated by Egilsson et al.

B. *Discussion of Issues*

The above rejections/objections are addressed in turn, below.

1. **Drawings:** Applicant respectfully traverses the Examiner's objection to the drawings as failing to comply with 37 CFR 1.84(p)(4). Specifically, the Examiner stated that the reference character "125b" was used as a designation in both Figs. 1 and 3a. It is respectfully asserted that

reference numeral 125b designates exemplary dimension tables in each of Figs. 1 and 3a, and therefore is properly used in each of Figs. 1 and 3a. Accordingly, Applicants request that the objection to the drawings be withdrawn. Additionally, Applicant notes that formal drawings of Figs. 10 and 11 were inadvertently excluded from the set of formal drawings filed on August 21, 2001. Applicant hereby submits the formal drawings for Figs. 10 and 11.

2. Title: The title has been amended to address the Examiner's objection. Applicant notes that the title was amended for clarification purposes only, and that no narrowing is intended by the amendment.

3. Section 101: Applicants have amended the preamble of claim 1 to address the Examiner's rejection of claims 1-5 based on non-statutory subject matter.

4. Incorporation-by-Reference: The application has been amended to add the serial number describing the referenced application, thereby mooted the objection on this basis.

5. Section 102(e) (alleged unpatentability over Egilsson): Claims 1-10 were rejected under 35 USC § 102(e) as being anticipated by U.S. Pat. No. 6,434,557 to Egilsson et al. Applicants respectfully traverse these rejections.

Egilsson is directed to methods for synthesizing heterogeneous data into a multidimensional structure from which valuable knowledge may be extracted. *See col. 2, lines 13-20.* By contrast, Applicants' claims recite a method of calculating a measure by determining an allocated level for the measure as will be further described.

The Examiner points to col. 17, lines 42-46 of Egilsson to allege that Egilsson discloses "determining at least one allocated level for the measure" as claimed in Applicants' claims 1 and 6. However, when read in context, this portion of the Egilsson reference relates rather to the aggregation of data to create additional categories of data, i.e. fact tables. *See col. 17, lines 27-34.* The fact tables are generated from observations associated with fact dimensions. *See col. 17, lines 34-43.* Egilsson further describes aggregation from a lowest level in stating "[g]enerating dimension tables for the fact dimension is straightforward, it does not need to have any additional levels, just the lowest level with the measure names as attributes." *Col. 17, lines*

Tables
have
levels
Dimensions

42-46 (emphasis added). Thus, Egilsson is solely directed to aggregating otherwise unaggregated data elements.

Applicants' claims 1 and 6 lie in contrast to the "aggregation" teachings of Egilsson. In particular, each of claims 1 and 6 include the limitation of "determining at least one allocated level for the measure". Accordingly, claims 1 and 6 specifically claim allocation, not aggregation. Applicants' specification highlights the difference between allocation and aggregation in stating that "[a]n allocation metric is a metric containing a measure that is not defined at the lowest level . . ." *Page 27 of Specification* (emphasis added). To allocate measured values is essentially the opposite of aggregating them. For example, as described by Kimball, "overhead costs in a manufacturing plant are often allocated to the various product lines made in the plant." RALPH KIMBALL & MARGY ROSS, THE DATA WAREHOUSE TOOLKIT 390 (Robert Elliott ed., John Wiley & Sons, Inc. 2002).

Combining
After They
Were Being
Allocated
or Assigned

Based on the foregoing, Egilsson neither teaches nor suggests at least the limitation of "determining at least one allocated level for the measure" as claimed in independent claims 1 and 6. Accordingly, claims 1 and 6 are now in condition for allowance. As dependent claims 2-5 and 7-10 depend from and further limit claims 1 and 6, respectively, these claims are now in condition for allowance as well. An early formal notice of allowance of claims is requested.

Applicants hereby authorize the Commissioner to withdraw the fee for a one-month extension of time from deposit account 13-0480; Attorney Docket No. 68110328.713. A Petition for Extension of Time is concurrently filed herewith. If any additional fees are required to complete this filing, the Commissioner is authorized to charge those fees, or credit any overpayment, to Account No. 13-0480, Attorney Docket No. 68110328.713.

If the Examiner has any questions regarding this Amendment and Response to Office Action or the Application in general, Examiner is invited to contact the Applicants' attorney at the below-listed telephone number.

Respectfully submitted,



Richard V. Wells, Reg. No. 53,757
Baker & McKenzie
Attorney for Applicant(s)
(214) 978-3006
(214) 978-3099 (fax)